

### **Amendments to the Claims**

This listing of claims will replace all prior versions and listing of claims in the application.

### **Listing of Claims**

1. (currently amended) Footwear with an upper and a sole construction having an outsole, in which:

the upper is constructed with an outer material and with a waterproof functional layer at least partially lining the outer material on the inner side of the outer material and having an upper end region on the sole side with an outer-material end region and a functional-layer end region,

the outsole is joined to the upper end region,

the functional-layer end region has an edge region which is not covered by the outer-material end region or any connecting strip attached to the outer-material and an adhesive zone which is closed in the direction of the sole periphery and comprises a reactive hot-melt adhesive which brings about waterproofness when in the fully reacted state is applied to the edge region.

2. (previously presented) The footwear as claimed in claim 1, in which the edge region is formed by an overhang projecting beyond the outer material end region of the functional-layer end region.

3. (previously presented) The footwear as claimed in claim 2, with reactive hot-melt adhesive in the form of PU reactive hot-melt adhesive.

4. (previously presented) The footwear as claimed in claim 3, with reactive hot-melt adhesive, which contains particles which can be heated by means of irradiation.

5. (previously presented) The footwear as claimed in claim 4, in which the particles are selected from a particle group containing carbon particles and metal particles.

6. (previously presented) The footwear as claimed in claim 1, in which the outsole is adhesively bonded to the upper end region by means of outsole cement applied to it.

7. (previously presented) The footwear as claimed in claim 6, in which the reactive hot-melt adhesive extends over the entire edge region.

8. (previously presented) The footwear as claimed in claim 7, in which the upper end region extends essentially perpendicular to the tread of the outsole

and the functional-layer end region projects beyond the outer-material end region in the direction of the tread.

9. (withdrawn) The footwear as claimed in claim 7, in which the upper end region extends essentially parallel to the tread of the outsole and the functional-layer end region projects beyond the outer-material end region in the direction of the center of the outsole.

10. (withdrawn) The footwear as claimed in claim 9, with an insole, to which the functional-layer end region is fastened.

11. (withdrawn) The footwear as claimed in claim 10, in which the functional-layer end region is joined to the insole by means of a seam.

12. (withdrawn) The footwear as claimed in claim 9, in which the functional-layer end region is kept essentially parallel to the tread of the outsole by means of a first string-lasting.

13. (withdrawn) The footwear as claimed in claim 12, in which the outer-material end region is fastened to the functional layer by means of fixing adhesive.

14. (withdrawn) The footwear as claimed in claim 13, in which the overhang is bridged by a connecting strip of a material permeable to liquid reactive hot-melt adhesive and the reactive hot-melt adhesive has been applied to an outer side of the connecting strip.

15. (withdrawn) The footwear as claimed in claim 14, in which the connecting strip is constructed with a gauze strip.

16. (withdrawn) The footwear as claimed in claim 15, in which a first longitudinal side of the gauze strip is fastened to the outer-material end region.

17. (withdrawn) The footwear as claimed in claim 16, in which the first longitudinal side of the gauze strip is sewn to the outer-material end region.

18. (withdrawn) The footwear as claimed in claim 17, in which a second longitudinal side of the gauze strip is fastened to the functional-layer end region.

19. (withdrawn) The footwear as claimed in claim 18, in which the second longitudinal side of the gauze strip is sewn to the functional-layer end region.

20. (withdrawn) The footwear as claimed in claim 19, in which the second longitudinal side of the gauze strip is fastened to the insole.

21. (withdrawn) The footwear as claimed in claim 20, in which the second longitudinal side of the gauze strip is sewn to the insole.

22. (withdrawn) The footwear as claimed in claim 19, in which the second longitudinal side of the gauze strip is fastened to the first string-lasting holding the functional-layer end region.
23. (withdrawn) The footwear as claimed in claim 22, in which the second longitudinal side of the gauze strip is sewn to the first string-lasting holding the functional-layer end region.
24. (withdrawn) The footwear as claimed in claim 23, in which the outer-material end region is kept essentially parallel to the tread of the outsole by means of a second string-lasting.
25. (withdrawn) The footwear as claimed in claim 24, in which the outer-material end region is provided with an elastic drawstring, which pulls the outer-material end region toward the center of the outsole.
26. (withdrawn) The footwear as claimed in claim 25, in which the elastic drawstring is formed by an elastic string-lasting, which has an elastic string which pretensions the outer-material end region toward the center of the outsole.
27. (withdrawn) The footwear as claimed in claim 26, in which the functional-layer end region is provided with an elastic drawstring, which pretensions the functional-layer end region toward the center of the outsole.
28. (withdrawn) The footwear as claimed in claim 27, in which the elastic drawstring is formed by an elastic string-lasting, which has an elastic string which pretensions the functional-layer end region toward the center of the outsole.
29. (withdrawn) The footwear as claimed in claim 28, in which the outer-material end region is angled away outward and sewn to the peripheral edge of a sole.
30. (withdrawn) The footwear as claimed in claim 29, in which the sole is formed by the outsole.
31. (withdrawn) The footwear as claimed in claim 29, in which the sole is formed by an intermediate sole.
32. (withdrawn) The footwear as claimed in claim 31, in which the outsole is fastened to the intermediate sole.
33. (withdrawn) The footwear as claimed in claim 32, in which a functional layer is provided in the form of a waterproof and water-vapor-permeable functional layer.
34. (withdrawn) The footwear as claimed in claim 33, with a functional layer constructed with expanded, microporous polytetrafluoroethylene.

35. (withdrawn) The footwear as claimed in claim 34, in which the outsole is essentially in the form of a dish, with a sheet-like tread region and an upturned edge rising up essentially perpendicularly from the latter.

36. (withdrawn) The footwear as claimed in claim 34, in which the outsole is essentially in the form of a sheet.

37. (currently amended) A process for producing footwear, having the following production steps:

an upper is created, constructed with an outer material and with a waterproof functional layer at least partially lining the outer material on the inner side of the latter and provided with an upper end region on the sole side; the outer material is provided with an outer-material end region on the sole side and the functional layer is provided with a functional-layer end region on the sole side, the functional-layer end region being provided with an edge region which is not covered by the outer-material end region or any connecting strip attached to the outer-material;

an adhesive zone which is closed in the direction of the sole periphery and comprises a reactive hot-melt adhesive which brings about waterproofness when in the fully reacted state is applied to the edge region;

an outsole is fastened to the upper end region.

38. (previously presented) The process as claimed in claim 36, in which the edge region is formed by an overhang of the functional-layer end region projecting beyond the outer-material end region.

39. (withdrawn) The process as claimed in claim 38, in which the functional-layer end region is tensioned by means of a first string-lasting which is essentially parallel to the tread of the outsole.

40. (withdrawn) The process as claimed in claim 39, in which the first string-lasting is provided with an elastic string, which pretensions the functional-layer end region toward the center of the outsole.

41. (withdrawn) The process as claimed in claim 39, in which the overhang is bridged by a connecting strip of a material permeable to liquid reactive hot-melt adhesive and the reactive hot-melt adhesive is applied to an outer side of the connecting strip.

42. (withdrawn) The process as claimed in claim 41, in which a connecting strip is attached in the form of a gauze strip.

43. (withdrawn) The process as claimed in claim 42, in which a first longitudinal side of the gauze strip is sewn to the outer-material end region and

a second longitudinal side of the gauze strip is sewn to the functional-layer end region.

44. (withdrawn) The process as claimed in claim 43, in which the sole construction is provided with an insole.

45. (withdrawn) The process as claimed in claim 44, in which the second longitudinal side of the gauze strip is sewn to the insole.

46. (withdrawn) The process as claimed in claim 42, in which the second longitudinal side of the gauze strip is sewn to the string-lasting.

47. (withdrawn) The process as claimed in claim 46, in which the outer-material end region is tensioned by means of a second string-lasting essentially parallel to the tread of the outsole.

48. (withdrawn) The process as claimed in claim 40, in which the outer-material end region is angled away outward and fastened to the peripheral edge of a sole.

49. (withdrawn) The process as claimed in claim 48, in which the angled-away outer-material end region is fastened to the peripheral region of the outsole.

50. (withdrawn) The process as claimed in claim 48, in which the angled-away outer-material end region is fastened to the peripheral edge of an intermediate sole, to the underside of which the outsole is fastened.

51. (withdrawn) The process as claimed in claim 50, with the following production steps:

a) the functional-layer end region is provided with a string-lasting with an elastic string;

b) the overhang of the functional-layer end region is provided on its outer side facing the sole with reactive hot-melt adhesive;

c) the functional layer provided with string-lasting and reactive hot-melt adhesive is arranged inside the outer material;

d) the outwardly angled-away outer-material end region is fastened to the peripheral edge of the sole;

e) the upper joined to the sole is stretched onto a last in such a way that the reactive hot-melt adhesive comes into contact with the sole;

f) the reactive hot-melt adhesive is adhesively bonded with the sole.

52. (withdrawn) The process as claimed in claim 51, in which the outwardly angled-away outer-material end region is adhesively bonded to the peripheral edge of the sole.

53. (withdrawn) The process as claimed in claim 52, in which the outwardly angled-away outer-material end region is sewn to the peripheral edge of the sole.

54. (withdrawn) The process as claimed in claim 53, in which the angled-away outer-material end region is fastened to an intermediate sole.

55. (withdrawn) The process as claimed in claim 54, in which

- a) the upper having the outer material and the functional layer is stretched over a last;
- b) the outwardly angled-away outer-material end region is adhesively bonded to the peripheral edge of the intermediate sole;
- c) the outer is removed from the last;
- d) the outwardly angled-away outer-material end region is sewn to the peripheral edge of the intermediate sole;
- e) the upper sewn to the intermediate sole is stretched once again onto the last in such a way that the reactive hot-melt adhesive comes into contact with the intermediate sole;
- f) the reactive hot-melt adhesive is adhesively bonded with the intermediate sole.

56. (withdrawn) The process as claimed in claim 53, in which the outwardly angled-away outer-material region is fastened to the outsole.

57. (withdrawn) The process as claimed in claim 56, in which

- a) the outwardly angled-away outer-material end region is adhesively bonded to the peripheral edge of the outsole;
- b) the outwardly angled-away outer-material end region is sewn to the peripheral edge of the outsole;
- c) the upper sewn to the outsole is stretched over a last in such a way that the reactive hot-melt adhesive comes into contact with the outsole;
- d) the reactive hot-melt adhesive is adhesively bonded with the outsole.

58. (withdrawn) The process as claimed in claim 57, in which, after the adhesive bonding of the reactive hot-melt adhesive and the removal of the last from the upper, an insole covering the functional-layer end region and the sole is attached inside the functional layer.

59. (withdrawn) The process as claimed in claim 47, in which, after being applied to the overhang or the gauze strip, the reactive hot-melt adhesive is pressed against the surface of the overhang or of the gauze strip by a pressing

device with a pressing surface not adhesively bonding with the reactive hot-melt adhesive.

60. (withdrawn) The process as claimed in claim 59, in which a reactive hot-melt adhesive which can cure by means of moisture is used, being applied to the region to be sealed and exposed to moisture to make it fully react.

61. (withdrawn) The process as claimed in claim 60, in which a reactive hot-melt adhesive which can be thermally activated and can be cured by means of moisture is used, being thermally activated, applied to the region to be sealed and exposed to moisture to make it fully react.

62. (withdrawn) The process as claimed in claim 60, in which a reactive hot-melt adhesive which can be thermally activated is applied in the non-activated state to the overhang and is thermally activated only at the time at which the adhesive bonding of the reactive hot-melt adhesive is intended to take place.

63. (withdrawn) The process as claimed in claim 62, in which reactive hot-melt adhesive which contains particles which can be heated by means of irradiation is applied to the overhang, radiation heating the particles being directed onto the reactive hot-melt adhesive at the time at which the adhesive bonding of the reactive hot-melt adhesive is intended to take place.

64. (withdrawn) The process as claimed in claim 63, in which reactive hot-melt adhesive containing metal particles is used and microwave radiation is directed onto the reactive hot-melt adhesive.

65. (withdrawn) The process as claimed in claim 63, in which reactive hot-melt adhesive containing carbon particles is used and infrared radiation is directed onto the reactive hot-melt adhesive.

66. (withdrawn) The process as claimed in claim 65, in which a waterproof and water-vapor-permeable functional layer is used.

67. (previously presented) The process as claimed in claim 66, in which a functional layer constructed with expanded, microporous polytetrafluoroethylene is used.

68. (withdrawn) The process as claimed in claim 56, in which, after the adhesive bonding of the reactive hot-melt adhesive and the removal of the last from the upper, an insole covering the functional-layer end region and the sole is attached inside the functional layer.

69. (previously presented) The footwear of claim 1, wherein the functional layer end region ends vertical to the outsole.